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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,919

04/01/2005

Selim Yalvac

60285A

5284

109 7590 04/05/2007  
THE DOW CHEMICAL COMPANY  
INTELLECTUAL PROPERTY SECTION,  
P. O. BOX 1967  
MIDLAND, MI 48641-1967

EXAMINER

ASINOVSKY, OLGA

ART UNIT

PAPER NUMBER

1711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/529,919

**Applicant(s)**

YALVAC ET AL.

**Examiner**

Olga Asinovsky

**Art Unit**

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/01/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubois et al U.S. Patent 6,107,430, or Falla et al U.S. Patent 5,525,659, or Castellani et al U.S. Patent 6,756,447, or WO 01/34719 (cited by applicants).

Claimed invention is a blend of thermoplastic polyolefin (A) with an ethylene-alpha-olefin interpolymer (B) other than component (A), wherein the ethylene-alpha-olefin interpolymer has a low density in the range of 0.855 and 0.899 g/cm<sup>3</sup> and a viscosity at 350 F of at least 500 cP; and wherein the melt index of said thermoplastic blend composition is increased by at least 5% relative to that of said thermoplastic polyolefin composition.

Dubois'430 discloses hot melt adhesive composition comprising ethylene-alpha-olefin interpolymer having low density in the range of 0.850 to 0.895 g/cm<sup>3</sup>, column 12, lines 38-48, and viscosity of from 2,000 cps, column 13, lines 1-2. The hot melt adhesive can comprise a blend of two different polymers including atactic polypropylene, low density polyethylene and/or ethylene vinyl acetate copolymers, column 2, lines 40-55 and column 20, lines 34-46. The low density ethylene-alpha-olefin interpolymer has a benefit to improve adhesive property, column 24, lines 63-65.

Falla'659 discloses a composition for producing a film comprising a blend of an ethylene-alpha-olefin interpolpolymer and linear high density polyethylene (HDPE), column 6, lines 4 and 15-20. The ethylene-alpha-olefin can have a density of  $0.87 \text{ g/cm}^3$ . The composition can include fillers, column 6, line 48-49.

Castellani'447 discloses a composition comprising a mixture of crystalline propylene homopolymer or copolymer (a) and ethylene-alpha-olefin copolymer having a low density in the range of from 0.90 to 0.86, column 2, lines 53-55 and column 4, lines 58-65. The composition can include inorganic filler in an amount such as to impart flame-retardant properties, column 5, lines 41-52 and column 7, lines 34-37.

WO 01/34719 (hereinafter WO'719) discloses hot melt adhesive composition comprising an ethylene-alpha-olefin interpolpolymer having density in the range of  $0.850 \text{ g/cm}^3$  to about  $0.870 \text{ g/cm}^3$ , page 14, lines 12-15, and viscosity in the range of 2,000 cPs to preferably about 100,000 cPs, page 14, lines 8-11. The ethylene-alpha-olefin interpolpolymer is readable in the present claims. The ethylene-alpha-olefin interpolpolymer is commercially available, page 15, lines 20-23. The ethylene-alpha-olefin interpolpolymer is used for producing adhesive composition with combination of rubbery copolymer such as a styrene block copolymer, page 16, lines 13-31 and page 17, lines 1-30, for the present claims 7-9. The adhesive composition can include additive including filler, page 20, lines 20-32, for the present claim 8.

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While none of the cited references disclose applicants' statement that the melt index of said thermoplastic blend composition is increased by at least 5% relative to that of said thermoplastic polyolefin composition, it would have been obvious to one of ordinary skill in the art to consider that the melt index of the resulting thermoplastic blend composition will increase in light of the fact that references disclose thermoplastic blends having analogous ethylene-alpha-olefin interpolymers having similar claimed properties such as a density and viscosity and the amount of the ingredients for chemical formulation of said blends can be selected in the claimed range in order to obtain the desired physical properties.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References have been considered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 1, 2007

A handwritten signature in black ink, appearing to be 'O/A'.A handwritten signature in black ink, appearing to be 'James J. Seidleck'.

James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700